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PATENT DEPARTMENT  
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CHICAGO, IL 60606-6473

In re Application of :  
KAMPERT, Werner et al. :  
Application No.: 10/542,960 :  
PCT No.: PCT/EP04/00505 :  
Int. Filing Date: 22 January 2004 :  
Priority Date: 22 January 2003 :  
Attorney's Docket No.: P05,0224 :  
For: MOBILE DATA TRANSMISSION :  
METHOD AND SYSTEM :

DECISION

This decision responds to "Submission of Signed Declarations," filed with the United States Patent and Trademark Office on 16 March 2006.

**BACKGROUND**

On 22 January 2004, applicants filed international application PCT/EP04/00505, claiming a priority date of 22 January 2003. A copy of the international application was transmitted to the Office by the International Bureau on 05 August 2004. The deadline for entry into the national stage in the United States was midnight 22 July 2005.

On 21 July 2005, applicants filed a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee.

On 13 December 2005, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 16 March 2006, applicants submitted a declaration of the inventors, the \$130 surcharge, the fee for a one month extension of time and a statement that inventor Knee-Forrest had legally changed his name. The certificate of mailing indicated that it was deposited on 13 March 2006.

**DISCUSSION**

Under 37 CFR 1.41(a)(4), the inventorship of the international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application,

which includes any change effected under PCT Rule 92*bis*. The record does indicate that any changes were made under PCT Rule 92*bis*.

The international application lists the second inventor as Paul Knee-Forrest. The 16 March 2006 declaration lists inventor Paul Knee-Forrest as Pavel Knee, but is not accompanied by a petition under 37 CFR 1.182, as described in MPEP 605.04(c). As such, it does not comply with 35 U.S.C. 371(c)(4) and 37 CFR 1.497(a)-(b).

Further, notwithstanding the page numbers on the declaration (1 of 2, 2 of 2, and 3 of 2) it is assumed that all pages of the declaration were presented to each of the inventors and the declarations submitted are as they were executed by the inventors. If this is not the case, new oaths or declarations in compliance with 37 CFR 1.497(a)-(b) are required.

### CONCLUSION

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) or a petition under 37 CFR 1.182 must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under §1.136(a) are permitted. **Failure to file a timely and proper reply will result in ABANDONMENT of the application as to the United States of America.**

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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